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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,093	09/29/2005	Stephen C. P. Joseph	58502US004	1630
32692 7590 06/05/2009 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER
			NOTIFICATION DATE 06/05/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/551,093	<b>Applicant(s)</b> JOSEPH ET AL.	
	<b>Examiner</b> Davis Hwu	<b>Art Unit</b> 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/13/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Applicant's response of April 29, 2009 has been entered and fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morck.

Morck discloses a fluid spraying apparatus comprising a spray gun having an inlet, a reservoir for a fluid to be sprayed (column 3, line 40), a connector means 30 connecting an outlet from the reservoir to the inlet of the spray gun in use, the connector means being releasable for detaching the outlet from the inlet, wherein the connector means comprises at least one resilient clip 33 on one of the reservoir and spray gun engageable with an abutment on the other of the reservoir and spray gun to resist axial separation of the reservoir and spray gun (see Figure 3), wherein the reservoir outlet and spray gun inlet are connectable by push fit and the resilient clip comprises a spring leg arranged to extend substantially parallel to the direction of movement of the reservoir outlet towards/away from the spray gun inlet and the abutment comprises a ledge transverse to the direction of movement such that the spring leg engages behind the ledge at 32 when the reservoir outlet is connected to the spray gun inlet, and wherein one of the spring leg and ledge has a cam face arranged to deflect the spring leg when the reservoir outlet is connected to the spray gun inlet to allow a distal end of the spring leg to pass the ledge and latch behind the ledge to secure releasably the

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reservoir to the spray gun. Although Morck does not disclose permitting rotation of the outlet relative to the inlet while the reservoir is attached to the spray gun, it would have been obvious to one having ordinary skill in the art at the time the invention was made that since the outlet section of the reservoir connects to the inlet of the gun via the spring leg abutting the ledge as recited and is not permanently attached by molding or gluing for example, the outlet can be at least slightly rotated relative to the inlet, thus meeting the limitation of permitting rotation of the outlet relative to the inlet while the reservoir is attached to the spray gun. Claim 14 would have been a matter of design choice since it involves a change in the positions of parts which will still carry out its intended function properly.

#### ***Allowable Subject Matter***

4. Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed April 29, 2009 have been fully considered but they are not persuasive. After examining the patent of Morck the examiner still believes the device of Morck discloses the structural limitations of the instant invention and states that material from a container flows into housing part 17 via part 3 (column 5, lines 46-49). Thus, housing part 18 has never been designated as the spray gun inlet. The connecting part 3 is held in place via the notches 32 on part 3 and the spring 33, and is therefore releasable for detaching the outlet from the inlet since part 3 is also an inlet to

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the spray gun from which material from the container flows. Since the part 3 is a separate part from the gun and can be removed, the outlet and the inlet do not rotate together because the inlet of the gun is separate from the connecting part 3.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davis Hwu/  
Primary Examiner, Art Unit 3752